

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**DONNA K. SOUTTER,  
On her own behalf and on behalf of  
others similarly situated,**

**Plaintiff**

**v.**

**CASE NO. 3:10cv514**

**TRANS UNION, LLC.,**

**Defendant.**

**PLAINTIFF'S FED. R. CIV. P. 26(a)(1) DISCLOSURES**

COMES NOW the Plaintiff, by counsel, and pursuant to Fed. R. Civ. P. 26(a)(1), and make the following disclosures to Defendant. These initial disclosures are based on information reasonably available to Plaintiff at this time. Plaintiff reserves the right to supplement these initial disclosures (either through express supplements to these disclosures or through responses to formal discovery) when additional information becomes available.

In making these initial disclosures, Plaintiff does not waive the right to object on the grounds of competency, privilege, relevancy and materiality, hearsay or any other proper ground to the use of any such information, for any purpose, in whole or in part, and this action or any other action. Plaintiff also does not waive the right to object to any request for production of any document, electronically stored information, or tangible thing on the basis of any privilege, the work product doctrine, evidentiary exclusion, relevancy, undue burden or any other proper ground.

**I. Individuals likely to have discoverable information.**

- A. The Plaintiff, Donna K. Soutter, c/o Consumer Litigation Associates, P.C., 12515 Warwick Boulevard, Suite 100, Newport News, Virginia 23606. (All facts)
- B. Pamela Bethel, Legal Assistant, Virginia Credit Union, P.O. Box 90010, Richmond, VA 23225, (All facts relating to the allegations made in this case, the facts relating to the allegations made in a lawsuit formerly pending in the City of Richmond General District Court styled *Virginia Credit Union, Inc. v. Donna K. Soutter* (Case No. 034182), its dealings with Plaintiff, and its dealings with Trans Union, if any.
- C. Corporate representative and/or custodian of records, Virginia Credit Union, P.O. Box 90010, Richmond, VA 23225 (All facts regarding Virginia Credit Union and its employees knowledge relating to the allegations made in this case, the facts relating to the allegations made in a lawsuit formerly pending in the City of Richmond General District Court styled *Virginia Credit Union, Inc. v. Donna K. Soutter* (Case No. 034182), its dealings with Plaintiff, and its dealings with Trans Union, if any.
- D. Archie C. Berkeley, Jr., Berkeley & DeGaetani, 1301 N. Hamilton St., Ste. 200, Richmond, VA 23230 (All facts, in his capacity as counsel for Virginia Credit Union, knowledge relating to the allegations made in this case, the facts relating to the allegations made in a lawsuit formerly pending in the City of Richmond General District Court styled *Virginia Credit Union, Inc. v. Donna K. Soutter* (Case No. 034182) and his dealings with Plaintiff.
- E. Ken Mittendorf, Assistant Director of the Department of Judicial Information Technology for the Executive Secretary of the Supreme Court of Virginia, 100 North Ninth Street, Richmond, VA (All facts regarding his overseeing and maintaining the electronic records system for Virginia Courts, including General District Courts in the City of Richmond or the City of Roanoke. All facts regarding the previous bulk sales of judgment records. All facts concerning his knowledge of the manner in which the major data collectors communicate with the court systems.)
- F. Denise Hains, Retired Clerk for the Newport News General District Court, Civil Division (All facts regarding her general knowledge of the online records system utilized by the General District Courts.)
- G. David Savage, Office of the Executive Secretary, Supreme Court of Virginia, 100 North Ninth Street, Richmond, VA (All facts regarding the judgment data maintained by the Virginia judicial system as well as facts regarding the collection of public records data in Virginia).

- H. Mamiko Bernard, Supreme Court of Virginia, 100 North Ninth Street, Richmond, VA (All facts regarding the judgment data maintained by the Virginia judicial system).
- I. Sandra Cox Blount, Clerk, City of Richmond General District Court, John Marshall Courts Building, 400 N 9th Street, Room 203, Richmond, VA 23219 (In her capacity as Clerk of the City of Richmond General District Court – all facts relating to the allegations made in this case, the paper records and electronic records systems utilized by the City of Richmond General District Court, the Court's policies and procedures and the Court's dealings with public records vendors).
- J. Court clerks, court personnel, former employees and/or custodian of records, All General District Courts and Circuit Courts, Commonwealth of Virginia, The Court clerks, personnel and former employees for all General District Courts and Circuit Courts throughout the Commonwealth of Virginia are believed to have knowledge regarding Plaintiffs allegations in this matter, the paper records systems and electronic record systems utilized by their court, their court's policies and procedures and their court's dealings with public record vendors).
- K. Eileen Little, Director of Consumer Relations, Trans Union LLC, 2 Baldwin, Crum Lynn, PA 19022 (All facts regarding communications and correspondence between Trans Union and Plaintiff, communications and correspondence between Trans Union and Plaintiffs creditors, and Trans Union's policies and procedures.)
- L. Steve Newnom, Team Leader, Consumer Relations, Trans Union LLC, 2 Baldwin, Crum Lynn, PA 19022 (All facts regarding communications and correspondence between Trans Union and Plaintiff, communications and correspondence between Trans Union and Plaintiffs creditors, and Trans Union's policies and procedures.)
- M. William Stockdale, Vice President of Data Acquisition Services, Trans Union LLC, 555 West Adams, Chicago, IL 60661 (All facts regarding Trans Union's information gathering, formatting, storage, and retrieval processes, the customer information policies and procedures utilized by Trans Union to assure the maximum possible accuracy of its credit data and credit files, industry standards relating to the gathering of public record information, and Trans Union's dealings with its public record vendors.)
- N. Linda Lopez, Senior Director, Data Acquisition Services, Trans Union LLC, 555 West Adams, Chicago, IL 60661 (All facts regarding Trans Union's information gathering, formatting, storage, and retrieval processes, the customer information policies and procedures utilized by

Trans Union to assure the maximum possible accuracy of its credit data and credit files, industry standards relating to the gathering of public record information, and Trans Union's dealings with its public record vendors.

- O. Trans Union LLC, 2 Baldwin, Crum Lynn, PA 19022, (All facts regarding its employees, knowledge regarding Trans Union's computer and data base, communications and correspondence between Trans Union and Plaintiff, communications and correspondence between Trans Union and Plaintiff's creditors, and Trans Union's policies and procedures. The names of the employees who handled Plaintiffs disputes are contained in the documents produced with Trans Union's Initial Disclosures.
- P. Corporate representative and/or custodian of records, Superior Information Services, LLC, 300 Phillips Blvd., Ste. 500, P.O. Box 8787, Trenton, NJ 08650 (All facts regarding Superior's gathering, formatting, storage, and retrieval of public record information, Superior's policies and procedures, industry standards relating to the gathering of public record information, and Superior's dealings with Trans Union.
- Q. Corporate representative and/or custodian of records ChoicePoint, Inc., 1100 Alderman Dr., Alpharetta, GA 30005 (All facts regarding ChoicePoint's gathering, formatting, storage, and retrieval of public record information, ChoicePoint's policies and procedures, industry standards relating to the gathering of public record information, and ChoicePoint's dealings with Trans Union.
- R. Mark Johnson, Vice President, Data Services, LexisNexis Risk & Information Analytics Group, Inc., 1900 Northwest Expwy., Ste. 1600 Oklahoma City, OK 73118 (All facts regarding LexisNexis' gathering, formatting, storage, and retrieval of public record information, LexisNexis' policies and procedures, industry standards relating to the gathering of public record information, and LexisNexis' dealings with Trans Union.
- S. Corporate representative and/or custodian of records, LexisNexis Risk & Information Analytics Group, Inc., 6601 Park of Commerce Blvd. Boca Raton, FL 33487 (All facts regarding LexisNexis' gathering, formatting, storage, and retrieval of public record information, LexisNexis' policies and procedures, industry standards relating to the gathering of public record information, and LexisNexis' dealings with Trans Union.
- T. Employees and/or custodian of records, Department of Judicial Information Technology, Office of Executive Secretary, Supreme Court of Virginia, 100 North Ninth Street, Richmond, VA 23219 (All facts regarding the electronic records database for the Virginia Courts, including the gathering, storage, formatting, maintenance and retrieval of

electronic records related to the Virginia Courts. The Department of Judicial Information Technology and its employees are also believed to have knowledge related to communications between the Virginia Courts and public records vendors.

- U. Putative class members. (All facts)
- V. The clerks of each court and all agents, employees and/or representatives of the clerks of each court which was the original source of any derogatory public record information concerning any Plaintiff and/or any putative class member reported by Defendant and/or any predecessor of Defendant to any user of any consumer report on any Plaintiff and/or putative class member. (Liability facts regarding individual claims).
- W. Any and all witnesses identified by the Defendant.
- X. Any and all witnesses who have testified regarding similar claims in previous litigation.

## **II. Description of documents in possession of the Plaintiff.**

- a. Plaintiff's Bates Nos. 000001-000152.
- b. Trans Union Bates Nos: 1-64.
- c. Trans Union documents and depositions available from Defendant or other parties from previous litigation.
- d. The full ten-year print-out of judgment of judgment satisfactions from the City of Petersburg General District Court.
- e. The databases of putative class members and other persons who made a dispute provided by Equifax in *Soutter v. Equifax*.
- f. The database provided by the Executive Secretary of the Supreme Court of Virginia in *Soutter v. Equifax*.

## **III. Computation of Damages**

Pursuant to 15 U.S.C. §1681n, Plaintiffs and each class member seek statutory damages from \$100.00 and \$1,000.00 per violation, punitive damages in an unliquidated amount; and for attorney's fees and costs.

Plaintiff further seeks these damages individually and on a class basis.

Plaintiff reserves the right to supplement these disclosures.

**DONNA K. SOUTTER,**

/s/  
Leonard A. Bennett, Esq.  
VSB #37523  
Attorney for Plaintiff  
CONSUMER LITIGATION ASSOCIATES, P.C.  
12515 Warwick Boulevard, Suite 100  
Newport News, Virginia 23606  
(757) 930-3660 - Telephone  
(757) 930-3662 – Facsimile  
[lenbennett@cox.net](mailto:lenbennett@cox.net)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of March, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Matthew Kasey Ratliff  
Strasburger & Price LLP  
901 Main St  
Suite 4400  
Dallas, TX 75202  
Email: [kasey.ratliff@strasburger.com](mailto:kasey.ratliff@strasburger.com)

Michael Robert Ward  
Morris & Morris PC  
700 East Main Street  
Suite 1100  
PO Box 30  
Richmond, VA 23218  
Email: [mward@morrismorris.com](mailto:mward@morrismorris.com)

Paul Lee Myers  
Strasburger & Price LLP  
2801 Network Blvd  
Suite 600  
Frisco, TX 75034  
Email: [paul.myers@strasburger.com](mailto:paul.myers@strasburger.com)

/s/  
Leonard A. Bennett, Esq.  
VSB #37523  
Attorney for Plaintiff  
CONSUMER LITIGATION ASSOCIATES, P.C.  
12515 Warwick Boulevard, Suite 100  
Newport News, Virginia 23606  
(757) 930-3660 - Telephone  
(757) 930-3662 – Facsimile  
[lenbennett@cox.net](mailto:lenbennett@cox.net)